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IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.114 of 2006

In

Civil Writ Jurisdiction Case No. 2841 of 2002

With

Interlocutory Application No.779 of 2006

In

Letters Patent Appeal No.114 of 2006

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Janak Nandan Jha, son of Late Lakshmi Kant Jha, resident of village-Lawapur Narain, P.S.-Mahnar, District-Vaishali.

.... Petitioner-Appellant

Versus

1. The State of Bihar.
2. The District Magistrate, Vaishali at Hajipur.
3. The Sub Divisional Officer, Hajipur Vaishali at Hajipur.
4. The District Superintendent of Police, Vaishali at Hajipur.
5. The Inspector of Police, Mahnar Police Station, Mahnar, District-Vaishali.
6. The Officer-in-Charge, Mahnar Police Station, Mahnar, District-Vaishali.

.... Respondents-Respondents

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Appearance :

For the Appellant : Mr. Mahendra Thakur, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5. 2-4-2013 Interlocutory Application No.779 of 2006:

The delay of 117 days occurred in filing the Letters

Patent Appeal is condoned.

Interlocutory Application stands disposed of.

Letters Patent Appeal No.114 of 2006:

Feeling aggrieved by the judgment and order dated 2nd September 2005 passed by the learned single Judge in C.W.J.C. No. 2841 of 2002, the writ petitioner has preferred this Appeal under Clause 10 of the Letters Patent.

The appellant approached this Court under Article 226 of the Constitution in the above C.W.J.C. No. 2841 of 2002. According to the appellant, since the death of his brother Tej Narayan Jha, a Dafadar, the appellant has been serving as Dafadar under the District Magistrate, Vaishali. The appellant claims that he had rendered service as Dafadar continuously since 1990 and that he was entitled to payment thereof. The petition was contested by the State Government. The State Government denied that the appellant was ever appointed as Dafadar or that he had ever served as Dafadar. The learned single Judge has dismissed the writ petition. Therefore, this Appeal.

Learned advocate Mr. Mahendra Thakur has appeared for the appellant. He has conceded that no appointment order was ever issued in favour of the appellant. However, the appellant did discharge duty as Dafadar and that he is entitled to salary/wages for the services rendered by him.

The writ petition necessarily involved disputed questions of fact and has rightly been dismissed by the learned single Judge. Before us also, the learned advocate has not produced any material to support the contention that the appellant did discharge duty as Dafadar.

We see no merit in this Appeal. Appeal is dismissed

in limine.

(R.M. Doshit, CJ)

(Ahsanuddin Amanullah, J)

Pawan/-

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